

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Cathy D. Brooks-McCollum
& On behalf of
Emerald Ridge Service Corporation Derivative Action
As a Director
115 Emerald Ridge Drive
Bear, DE 19701
(302) 832-2694
(PLAINTIFF)

CIVIL ACTION NO: 04-703 (JJF)
JURY TRIAL REQUESTED

vs.

Emerald Ridge Service Corporation Board Of Directors (Excluding Plaintiff)
Kenneth Shareef, 1 Winchester Court, Bear, DE 19701 (302) 838-7279
Renford Brevett, 44 Emerald Ridge Drive, Bear, DE 19701 (302) 834-1195
Maudy Melville, 41 Emerald Ridge Drive, Bear, DE 19701 (302) 834-9324
Valerie Longhurst, 11 Winchester Court, Bear, DE 19701 (302) 836-3717
Mark Martell, 99 Emerald Ridge Drive, Bear, DE 19701
Ruth Visvardis, 45 Emerald Ridge Drive, Bear, DE 19701
Edward Kafader, 824 North Market Street, Suite 904, P.O. Box 1351, Wilmington, DE 19899, (302) 575-1555
Ferry, Joseph & Pearce, 824 North Market Street, Suite 904, P.O. Box 1351, Wilmington, DE 19899
(302) 575-1555
(DEFENDANTS)

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

2005 AUG 29 PM 2:39

[Signature] Scanned

MOTION TO FOR REARGUMENT AND CORRECTION OF DISTRICT COURTS ERROR

[Signature] DFC

Plaintiff hereby requests the court to correct the court error pursuant the District Court Order dated the 25th of August 2005, claiming that the proceedings in this court was filed against Emerald Ridge Service Corporation and not Defendants. The pleadings as outlined in Exhibit A clearly show that Plaintiffs pleadings were filed by Plaintiff and Emerald Ridge Service Corporation against other Defendants, and are clearly stated in the complaint attached and the courts civil action form.

Pursuant Fed.R.Civ.P Rule 60. The error of the court docketing the case incorrectly is not a harmless error as Fed.R.Civ.P Rule 61 would provide, instead this error carries over to District Court action 04-0419(JJF), where State Farm is claiming they have represented Emerald Ridge, when none of the parties in those pleadings were valid Directors or confirmed by any other court, as Plaintiff was in the Delaware Supreme Court. Whereby, Plaintiff should be allowed to reargue her pleading being corrected pursuant Delaware Rules Of Civil Procedure

7.1.5 and pursuant Fed.R.Civ.P Rule 60. The error made by the courts docketing is substantial and would hurt both Emerald Ridge Service Corporation and Plaintiff Brooks-McCollum.

Both Civil Action 04-419(JJF) and 04-703(JJF) were filed by Cathy Brooks-McCollum and Emerald Ridge Service Corporation, as a Director and a duty and responsibility of a Director to its' stockholders, where Plaintiff was the only validly elected Director. Therefore, in not properly ruling in either case would be curtailing justice and blocking both Plaintiffs constitutional rights. This action Civil Action 04-419(JJF) and Civil Action 04-703(JJF) were filed exactly the same, however the action against State Farm in Civil Action 04-419(JJF) was properly docketed by the District Court.

Plaintiff will not elaborate on the injustices set forth in these proceedings by the courts and the abuse of them by numerous parties, because parties do not want to follow the laws in which others are expected to follow. It is clear that the State Courts erred in its' ruling and that Plaintiffs are being penalized as a result of this error, instead of someone feeling a responsibility to their constituents.

Respectfully submitted,



Cathy D. Brooks-McCollum
115 Emerald Ridge Drive
Bear, DE 19701

August 27, 2005

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FOR THE DISTRICT OF DELAWARE

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& on behalf of
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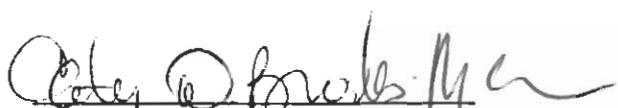
PROOF OF SERVICE

I Cathy D. Brooks-McCollum hereby certify that on the 27th day of August, 2004, I will and have caused to be served a true and correct copy of the foregoing Motion regular postage mail, postage prepaid and facsimile upon defendants:

Jon L. Parshall
1011 Centre Road
Suite #210
Wilmington, DE 19805
(302) 472-8100 (Telephone)
(302) 472-8135 (Fax)

Ferry, Joseph, & Pearce
824 North Market Street
Suite 904
P.O. Box 1351
Wilmington, DE 19899
(302) 575-1555 (Defendant & Counsel For Defendants)

United States Court Of Appeals For The Third Circuit
21st Floor
21400 U.S. Courthouse
601 Market Streets
Philadelphia, PA 19106-1790
Attention: Clerk's Office
Case No. 05-1264



Cathy D. Brooks-McCollum (Pro Se)
115 Emerald Ridge Drive
Bear, DE 19701
(302) 832-2694

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A

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Cathy D Brooks-Mclollum & on
behalf of Emerald Ridge Service Corp.
(Derivative Action)

(b) County of Residence of First Listed Plaintiff New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS Kenneth Sharree F, Ren Ford Breve
Maudy Melville, Valerie Longhurst
Mark Martell, Ruth Vivardis, Ferry, Joe
& Pearce Edward Kafader
County of Residence of First Listed New Castle

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

Edward Kafader
Ferry Joseph & Pearce
824 N Market St., Suite 904, P.O. Box 96
Wilmington, DE 19899

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State 1 1 DEF Incorporated or Principal Place of Business In This State 4 4

Citizen of Another State 2 2 Incorporated and Principal Place of Business In Another State 5 5

Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Real Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habens Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	Transferred from another district (specify) <input type="checkbox"/>	Appeal to District Judge from Magistrate Judge <input type="checkbox"/>

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5

Multidistrict Litigation

7

Transferred from another district (specify)

Multidistrict Litigation

7

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.
Do not cite jurisdictional statutes unless diversity.)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
 Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

Vice Chancellor Parsons

JUDGE Judge Johnston

DOCKET NUMBER

147-N

04C-03-074-1-CV

DATE 6/28/04

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Cathy D Brooks-Melal

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

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(DEFENDANTS)

I. COMPLAINT

Introduction

This is a dispute, which began over Defendants accusing Plaintiff of performing wrongful duties.

Whereby, Plaintiff went to Chancery Court asking that this court outline the laws and rules of the Corporation.

Plaintiff further asked that this court determine Indemnification for she and all Defendants. Plaintiff asked for money damages on behalf of the parties who violated the laws. Plaintiff also petitioned the court asking that the court assess penalties against these persons for their various violations of the Internet laws.

II. Jurisdiction and Venue

Jurisdiction and Venue is proper pursuant 28, U.S.C., Part IV §1401. Jurisdiction and Venue is proper pursuant 28, U.S.C., Part IV, §87, §97, §85, Section 1332, First Amendment right to the United States Constitution, Fifth Amendment Right and Fourteenth Amendment right. Jurisdiction and Venue is further proper in that Plaintiff in this case requests that these issues be heard before a jury. There are other areas governing why jurisdiction should be in this court, which will be addressed to this court by Counsel for Plaintiff and or before a hearing to determine the basis for jurisdiction. Plaintiff is first asking that the issues before Chancery Court be